



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 5843/3
<b>Permit Holder:</b>	Jonathon James Dwyer
<b>Duration of Permit:</b>	From 1 February 2014 to 1 February 2029

### ADVICE NOTE:

This Permit does not confer upon the Permit Holder authorisation to access the land to which the Permit relates.

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

#### 1. Purpose for which clearing may be done

Clearing for the purpose of gravel extraction.

#### 2. Land on which clearing is to be done

Lot 7 on Plan 7148, Bindoon

#### 3. Area of Clearing

The Permit Holder must not clear more than 7.2 hectares of native vegetation within the area hatched yellow on attached Plan 5843/3a.

#### 4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 1 February 2024

#### 5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

### PART II – MANAGEMENT CONDITIONS

#### 6. Avoid, minimise, and reduce impacts and extent of clearing

In determining the native vegetation authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

#### 7. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- shall only move soils in *dry conditions*;
- ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

## 8. Fauna management

- (a) Prior to undertaking any clearing authorised under this Permit the Permit Holder shall engage a *fauna specialist* to conduct a *fauna survey* of the Permit Area to identify *black cockatoo habitat tree/s*.
- (b) Where *black cockatoo habitat tree/s* are identified under condition 8(a) of this Permit, the Permit Holder shall engage a *fauna specialist* to map *black cockatoo habitat tree/s* within the Permit Area.
- (c) Each *black cockatoo habitat tree* identified must be inspected by a *fauna specialist* for evidence of current or past breeding use by *black cockatoo species*.
- (d) Where a *black cockatoo habitat tree* with no evidence of current or past use by *black cockatoo species* is identified in accordance with condition 8(c) of this Permit, that tree shall only be cleared immediately after the inspection.
- (e) Where *black cockatoo habitat tree/s* are identified and are showing evidence of current or past breeding use by *black cockatoo species* under condition 8(c) of this Permit, the Permit Holder shall ensure that no clearing occurs within 10 metres of those trees.
- (f) Within two months of clearing authorised under this Permit, the Permit Holder shall provide the results of the *fauna survey* in a report to the CEO.
- (g) The *fauna survey* report must include the following:
  - (i) the location of the *black cockatoo habitat tree/s* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) the location of any fauna species, listed in condition 8(a) if identified, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (iii) a description of the evidence of current or past breeding use observed for each *black cockatoo breeding tree* identified;
  - (iv) the name and amount of each fauna species identified;
  - (v) the methodology used to survey the Permit Area;
  - (vi) a photo of the *black cockatoo habitat tree/s* identified; and
  - (vii) a description of the *black cockatoo habitat tree/s* identified, including:
    - a. species of *black cockatoo habitat tree*;
    - b. condition of the *black cockatoo habitat tree*.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) within 6 months following the completion of extractive activities, *revegetate* and *rehabilitate* the area cross-hatched red on attached Plan 5843/3b in accordance with the following provisions:
  - (i) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area; and
  - (ii) deliberately *planting* and/or *direct seeding* native vegetation that will result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius);
- (c) within 18 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 9(b) of this Permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the areas *revegetated* and *rehabilitated* will not result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius), the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 9(b)(ii) of this Permit.
- (d) where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 9(c)(ii) of this permit, the Permit Holder shall repeat condition 9(c)(i) and 9(c)(ii) within 18 months of undertaking the additional *planting* or *direct seeding* of native vegetation.

- (e) where a determination by an *environmental specialist* that the areas *revegetated* and *rehabilitated* will result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius), as determined in condition 9(c)(i) and 9(c)(ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 9(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 9(c)(ii).

## 10. Records to be kept

The Permit Holder must maintain the following records:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
- (i) the size of the area cleared (in hectares);
  - (ii) the boundaries of the area recorded as a shapefile or a co-ordinate of the location where the clearing occurred recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (iii) the date(s) on which the clearing was done;
  - (iv) the actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit;
  - (v) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition 7 of this Permit; and
  - (vi) fauna management measures undertaken in accordance with condition 8 of this Permit.
- (b) The Permit Holder must maintain the following records in relation to the revegetation and rehabilitation of areas pursuant to condition 9 of this Permit:
- (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
  - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
  - (v) a copy of the *environmental specialist's* report.

## 11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 1 July of each year, a written report:
- (i) of records required under condition 10 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 1 July of each year.
- (c) Prior to 1 November 2028, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

***black cockatoo habitat tree/s*** means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater;

***black cockatoo species*** means one or more of the following species:

- (a) *Calyptorhynchus lateriosis* (Carnaby's cockatoo);
- (b) *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo).

***dieback*** means the effect of *Phytophthora* species on native vegetation;

***direct seeding*** means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

***dry conditions*** means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

***environmental specialist*** means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist;

***evidence*** means showing chew marks or scratchings on the habitat tree representative of the species being surveyed, the presence of the species entering or leaving the habitat tree, and/or the presence of chicks/young;

***fauna specialist*** means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Biodiversity Conservation Act 2016*

***fauna survey*** means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area and where conservation significant fauna are identified in the Permit Area, also includes a fauna survey of sufficient surrounding areas to place the Permit Area into local context;

***fill*** means material used to increase the ground level, or fill a depression;

***local provenance*** means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

***mulch*** means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

***planting*** means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

***regenerate/ed/ion*** means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing mulch;

***rehabilitate/ed/ion*** means actively managing an area containing native vegetation in order to improve the ecological function of that area;

***revegetate/ed/ion*** means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area; and

***weed/s*** means any plant:

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in the former Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.



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Meenu Vitarana  
A/MANAGER  
NATIVE VEGETATION REGULATION

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

3 November 2020




Plan 5843/3a



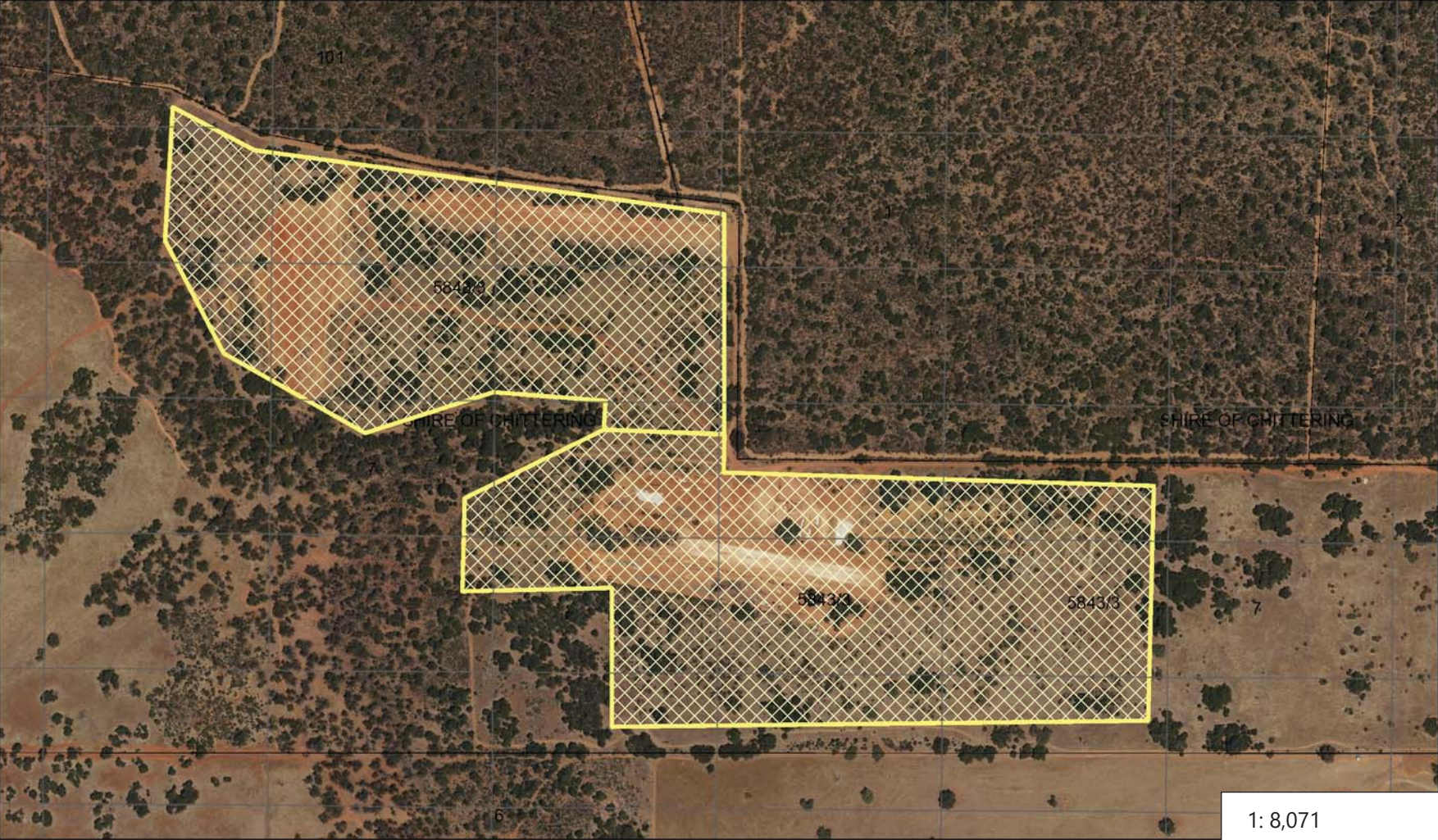
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- Local Government Authorities
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Cadastre

  
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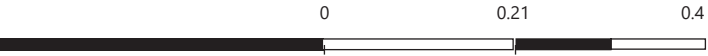
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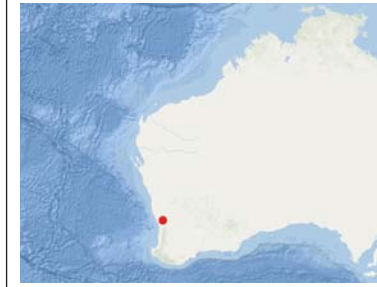
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Plan 5843/3b



Legend

- CPS subject to conditions
- Local Government Authorities
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Cadastre

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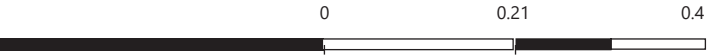
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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5843/3  
Permit type: Purpose Permit

### 1.2. Applicant details

Proponent's name: Jonathon James Dwyer  
Application received date: 3 June 2020

### 1.3. Property details

Property: LOT 7 ON PLAN 7148  
Local Government Authority: Shire of Chittering  
Localities: Bindoon

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
7.2		Mechanical Removal	Extractive Industry (gravel extraction)

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 3 November 2020  
Reasons for decision: This clearing permit amendment gives effect to an application received from the Permit Holder of Clearing Permit CPS 5843/2 to extend the permit duration by five years.

In undertaking their assessment, and in accordance with section 51O of the EP Act, the Delegated Officer has given consideration to the Clearing Principles in Schedule 5 of the EP Act, relevant planning instruments, and any other pertinent matters they deemed relevant to the assessment.

In particular, the Delegated Officer took into account the following:

- The implementation of suitable fauna management conditions is appropriate to mitigate potential impacts to black cockatoo species;
- The implementation of management practices specified in an Excavation-Rehabilitation Management Plan (Landform Research, 2012) and rehabilitation and revegetation conditions is appropriate to mitigate the impacts to land degradation;
- The implementation of management practices specified in an Excavation-Rehabilitation Management Plan (Landform Research, 2012) and dieback management conditions is appropriate to mitigate the impacts of weeds and dieback on adjacent vegetation.

The Delegated Officer determined that the proposed clearing is unlikely to lead to any unacceptable risk to the environment and decided to extend the duration of the permit with avoidance and minimisation, dieback, weed, fauna management and revegetation conditions.

## 2. Site Information

**Clearing description** The clearing consists of 7.2 hectares of native vegetation within a 34.5 hectare footprint within Lot 7 on Plan 7148, Bindoon, for the purpose of gravel extraction (Figure 1).

**Vegetation Description** A site inspection conducted by DER (2013) identified that vegetation within the application area consisted of large mature *Corymbia calophylla* (marri) and *Eucalyptus wandoo* (wandoo) with no native understorey species present. *Acacia saligna* was also revegetating in portions of the application area.

This is consistent with the following vegetation complexes mapped within the application area:

- Yalanbee Y6 (90 percent of application area): Woodland of *Eucalyptus wandoo-Eucalyptus accedens*, less consistently open forest of *Eucalyptus marginata subsp. thalassica-Corymbia calophylla* on lateritic uplands and breakaway landscapes in arid and perarid zones; and
- Bindoon Bi (10 percent of application area): Woodland of *Eucalyptus loxophleba* on the slopes, flanked by woodlands of *Eucalyptus wandoo-Eucalyptus accedens* on the breakaways and upper slopes in the perarid zone (Mattiske et al 1998).



## Vegetation condition

DER (2013) identified vegetation within the application area to be Completely Degraded, described as no longer intact; completely/almost completely without native species (Keighery 1994), due to the parkland cleared nature of the vegetation and lack of native understorey species.

## Soil type

The following soil types are mapped within the application area:

- 253WnYA4 - Wundowie YA4 Phase (approximately 30.6 hectares): Very gentle to gentle upper slopes (<10%) and summits. Deep pisolitic gravelly clayey sands. Low woodland to woodland to with some shrubland with scattered trees. Dominated by *E. marginata* and some *B. grandis*;
- 253WnYA5 - Wundowie YA5 Phase (approximately 3.3 hectares): Very gentle to gentle hill slopes (<10%). Shallow pisolitic gravelly loams and clay loams over laterite. Mixed woodland and low woodland. Dominated by mixed *E. wandoo*, *E. loxophylla* associated with *E. marginata* and *E. accedens*; and
- 253Bn\_1s - Bindoon 1s Phase (approximately 0.6 hectares): Gentle to moderately crests and upper hillslopes. Light to fine textured, often shallow soils often with much coarse fraction. *Eucalyptus marginata*, *calophylla*, *wandoo* and *accedens* and some *Allocasuarina huegeliana* on rock.

## Local area description

The local area considered in the assessment of this application is defined as a 10 kilometre radius measured from the perimeter of the application area.

## Comment

The condition of the vegetation under application was determined via a site inspection undertaken by Department of Environment Regulation staff on the 21 November 2013 (DER, 2013) and a flora assessment of the property during the development of an Excavation-Rehabilitation Management Plan (Landform Research, 2012).

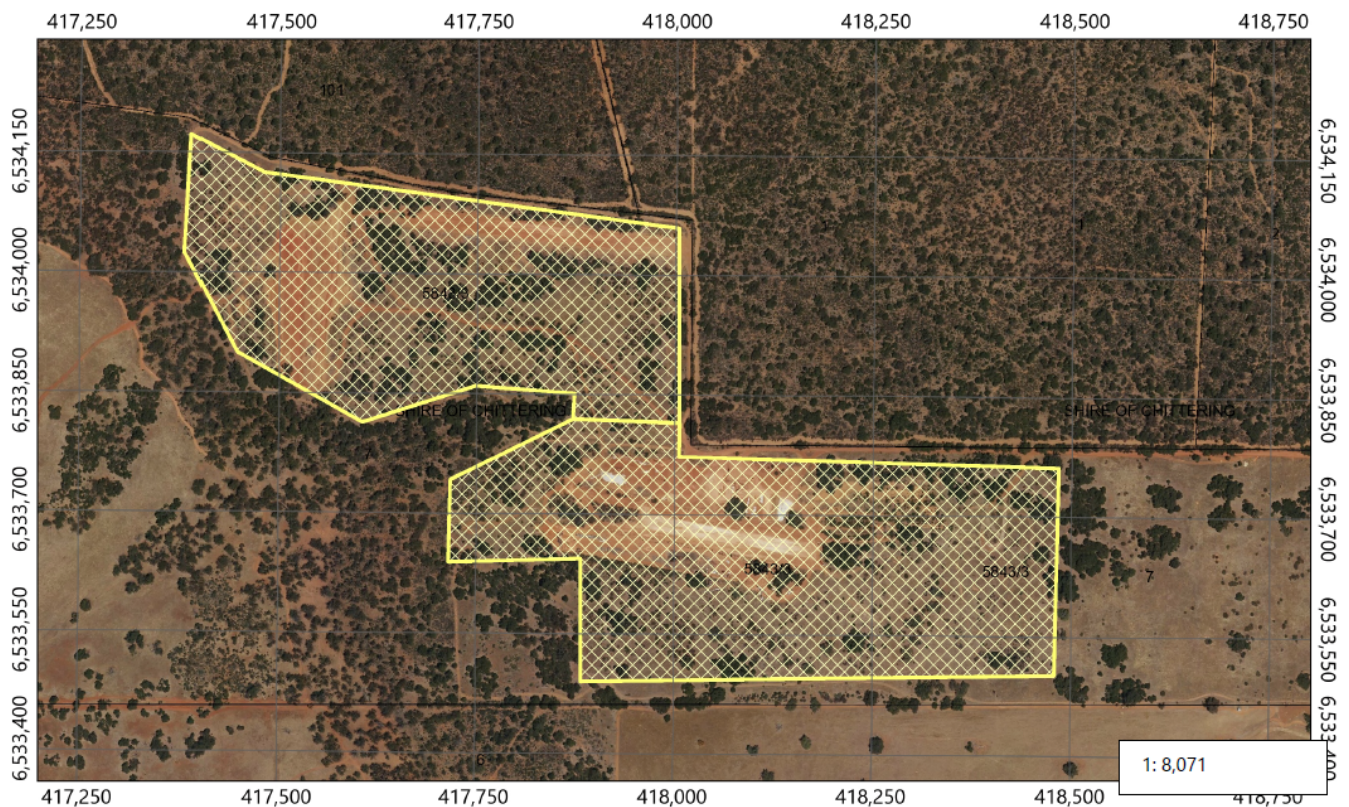


Figure 1: Map of the application area. The areas cross-hatched yellow indicate the areas authorised to be cleared under the granted clearing permit.

### 3. Assessment of application against clearing principles

An assessment of the proposed clearing in regards to the clearing principles was undertaken for Clearing Permit 5843/1 (DER, 2014a) and Clearing Permit 5843/2 (DER, 2014b). Since the time of these assessments, in addition to the presence of Carnaby's black cockatoo (*Calyptorhynchus latirostris*) records previously identified, several red-tailed black cockatoo (*Calyptorhynchus banksii naso*) records, including a roost site approximately 9.2 kilometres from the application area, have also been recorded within the local area. The known range of red-tailed black cockatoos has also been updated recently to encompass the application area (DotEE, 2016). A Black cockatoo fauna survey report conducted in January 2014 to satisfy a condition of CPS 5843/2 recorded 84 trees within the application area of a suitable size to develop breeding hollows for black cockatoos (i.e. with a diameter at breast height of greater than 50 cm (Commonwealth of Australia, 2012)), one of which had a hollow with evidence of use, and two of which had hollows possibly suitable for use by black cockatoos (Kirkby, 2014).



To reflect the above current information, fauna management conditions required for this permit have been modified from those in Clearing Permit CPS 5843/2. A fauna survey will still be required to be undertaken to identify black cockatoo habitat trees, however the condition now requires that all black cockatoo habitat trees with evidence of previous or current use by red-tailed black cockatoos or Carnaby's black cockatoos are to be retained. A condition to avoid and minimise clearing of vegetation has also been required.

Other than this, the assessment against the clearing principles matters has not changed and can be found in clearing permit decision report CPS 5843/1 (DER, 2014a).

#### **4. Minimisation and mitigation measures**

An excavation rehabilitation management plan (Landform Research, 2012) specifies the following mitigation actions will be undertaken during and after the proposed clearing to minimise impacts of clearing:

- Weed and dieback management:
  - Maintain quarantine of the vegetation from quarry vehicles;
  - All vehicles and equipment to be used during land clearing or land reinstatement;
  - are to be clean and free from soil or plant material when arriving at site;
  - No plant, soil, weed, rubbish or other material will be brought onto the site apart from that used for rehabilitation;
  - Inspections will be conducted to monitor the presence and introduction of weeds;
  - Declared and significant environmental weeds will either be removed, buried or sprayed with herbicide;
- Dust and erosion management:
  - Clearing and reinstating topsoil will be confined to the wetter months, where possible;
  - Completed sections of the quarry are to be progressively rehabilitated as soon as practicable.
- Rehabilitation:
  - Replanting of clumps of local native tree species will be undertaken;
  - Topsoil will be stockpiled and reinstated;
  - Any rehabilitation materials will be weed and dieback free; and
  - In autumn the rehabilitated areas will be monitored and a spraying program implemented for the rehabilitated surface prior to additional seeding and planting.

This adequately demonstrated that all reasonable efforts had been taken to avoid and minimise potential impacts of the clearing on environmental values.

#### **5. Planning and other matters**

The Shire of Chittering has advised that the applicant has applied to the Shire for an Extractive Industry License to conduct gravel extraction within the property (Shire of Chittering 2020). The applicant also holds a Development Approval for an extractive industry over the application area, which is due to expire in 2022 (Shire of Chittering 2020). The application area is zoned Agriculture Resource in the Shire of Chittering Local Planning Scheme No. 6.

#### **6. References**

- Applicant (2020). Application form and supporting documentation (DWER ref: A1899666).
- Commonwealth of Australia (2012). EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.
- Department of Environment (DER) (2013). Site Inspection Report for Clearing Permit Application CPS 5843/1, Lot 7 on Plan 7148, Bindoon. Site inspection undertaken 21/10/2013. Department of Environment Regulation, Western Australia (DWER ref A700469).
- Department of Environment (DER) (2014a) CPS 5843/1 Clearing Permit and Decision Report.
- Department of Environment (DER) (2014b) CPS 5843/2 Clearing Permit and Decision Report.
- Department of the Environment and Energy (DotEE) (2016). Modelled distribution for Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksii naso*)
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Kirkby, T. (2014). Black Cockatoo Survey, Bindoon Hill Gravel Supply (DWER ref: A1907805).
- Landform Research (2012). Excavation rehabilitation management plan, Lot 7 Toy Road Bindoon. (DWER ref: A1899666).
- Mattiske, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Shire of Chittering (2020). Advice provided in relation to CPS 5843/3 (DWER ref A1910231).